

## Revision of the EU Victims' Rights Directive

2022 is an important year for victims' rights in Europe and beyond. In March 2022, the European Commission has proposed a **new [Directive on Combating Violence against Women \(VAW\) and Domestic Violence \(DV\)](#)** ("**VAW Proposal**"). The proposal covers the areas of prevention, protection, access to justice, support, coordination and cooperation between authorities. The proposal aims to adopt common and harmonised EU-based rules on fighting VAW and DV, in line with the Istanbul Convention, to which the EU is still trying to access. The proposal criminalises several offences and aims to improve the provision of support and protection to victims.

In the context of the **revision of the Victims' Rights Directive**, on 8 March 2022, the Commission launched a [consultation](#) to gather the views of the public on possible policy options within the context of the impact assessment. The consultation is aimed at identifying possible ways in which the existing rights of victims, including those already specified in the Directive, could be further strengthened. Some of the points raised in this paper can be found in the questions of the EU consultation and are marked in the text. The revision of the Victims' Rights Directive is part of the [EU Strategy on Victims' Rights \(2020 – 2025\)](#). The consultation is open to receive responses until 31 May 2022.

In the past years, VSE has been actively advocating for better implementation of the Victims Rights Directive in Member States and pushing the Commission in developing activities to ensure funding and support for Member States doing so. Now, **VSE is strongly supporting changes in the Directive**, so that the **text is strengthened and new rights for victims and obligations for Member States are introduced**.

An important aspect of this advocacy work is to gather data and evidence to support our arguments and recommendations to the European Commission. VSE needs to show that a stronger Directive is needed in Europe, and that costs of certain measures will be outweighed by the benefits it has for victims. **Evidence and data from VSE members are of crucial importance to support our position.**

These changes and recommendations follow VSE's work on different policy papers, such as Safe Justice paper (to be published in May 2022), the paper explaining the schematic of the National Framework for Comprehensive Support (to be published in June 2022), the VOCIARE Report, as well as projects such as VICTORIA or InfoVictims.

In cooperation with VSE members (Webinar organised on 29 April 2022) and the Board (21 April 2022), VSE has developed a **suggested new structure of the Victims Rights Directive** with specific recommendations for amending articles and introducing new provisions. VSE is also presenting its position and recommendations to the European Commission during the [EU Victims' Rights Platform](#) meetings dedicated to the revision of the Directive (26 April and 10 May 2022).

VSE plans to publish a Model Provisions paper reflecting this thinking, after thorough consultations with VSE members and experts in the field.

## PROPOSED CHAPTERS: VSE MODEL PROVISION PAPER

### *Chapter 1 – General provisions*

VSE has identified the following discussion points for potential amendments to the Directive:

- The relevance and scope of the **definition of ‘Victim’** and in particular: the relevance of maintaining the harm-based approach vs adopting a rights-based approach (more details below);
- The relevance and scope of the **definition of ‘Restorative Justice’** – which will be discussed under the Chapter on Access to Justice as a joint discussion on Restorative Justice;
- The **extension of the scope of the Directive** to include indirect victims and witnesses;
- The inclusion of **provisions on respect and recognition** towards victims, that would underline the importance of treating victims with respect, dignity, in a victim-centric and trauma-informed manner in all actions undertaken by the Member States and authorities – either as a new article under this Chapter or as a new Chapter following this one.

### *Chapter 2 – Prevention*

Issues identified:

- No provisions on prevention included in the VRD
- General population is not well informed about victimisation, signs of victimisation, rights of victims, etc.
- Victims are not aware of their rights as victims, nor of victims support services

Objectives:

- Introduce a new chapter in the Directive about prevention (based on Chapter 5 of the VAW proposal)

How to strengthen the VRD?

- Introduce obligation for MS to ensure prevention measures are in place such as awareness-raising campaigns, education measures and programmes
- Target specific measures for persons at greater risk and prevention measures within specific institutions, such as the workplace, school and universities, etc.

### *Chapter 3 – Reporting*

Issues identified:

- Many victims do not report crimes to the police or competent authorities
- When they report, they often face secondary victimisation
- Safeguards and firewalls aren’t put in place

Objectives:

- Ensure that all victims can report crime in a safe environment
- Help victims come forward and report crimes

### How to strengthen the VRD?

- Diversifying ways of reporting: the availability of safe reporting channels, including third-party reporting and anonymous reporting (Q11b/c)
- Introduce firewalls (16.5 VAW proposal) (Q11b/c)
- Facilitate reporting of a crime in cross border situations
- Encourage Member States to fund and carry out activities aimed at helping people come forward in general, including information campaigns?

### *Chapter 4 – Information provision*

#### Issues identified:

- Content of the info is not simple and accessible: legal jargon, formats of info
- Info provision is not coordinated across actors: information provided by police, prosecution, VSOs can differ
- Info provision is not systemic: reliant on individual actors, e.g. between each police station they do things different, between States and federation, from one region to another ...

#### Objectives:

- Maximise the access to information and maximise that people will pick it up: info is received, understood and victims are able to act on it.
- Ability for victims to communicate information to actors
- Move to a coordinated system of communication with victims

### How to strengthen the VRD?

- Coordinated system that follows principles: info exist, simple and accessible, repeated, accurate, consistent, adapted to individual needs ...
- Information available and delivered consistently through different points of contact with victims (hospitals, police stations, schools, insurance companies ...) - one single point of info? (criminal proceedings? Outside?) (Q1b)
- Information designed and developed in cooperation with CSOs
- Same info through a combination of formats (website, orally, leaflets, posters, video, interactive, platform...) (Q1c)
- Remove exemptions (role of victims, request of victims, ...)
- Some information should be accompanied by support (release of offender)
- 116 006 not just about information, also support (Q1a)
- Training of professionals (communication skills, soft skills and empathy)
- Have MS require carry out awareness raising activities about prevention + existence of services + rights ...
- Right to translation and interpretation BEYOND making a complaint and criminal justice proceedings
- Timely provision of translation of good quality

### *Chapter 5 – Access to Support*

#### Issues identified:

- National generic victim support services do not exist in all Member States

- Barriers: Services are not enough easily accessible, not enough coordination between States and services, between services themselves, victims not aware of existing services...
- Quality of services not good enough or not targeted to needs
- Charges for certain types of services (e.g. psychologists, legal assistance...)

#### Objectives:

- Move to a coordinated national framework for support
- Ensure all victims have access to appropriate and high quality support in an easy manner, in a timely manner (referral, channels of support, 116 006)
- Support delivered by qualified, trained staff, specialist in victim support (quality standards, training)

#### How to strengthen the VRD?

- VSS exist and are accessible (criteria of accessibility) + Introduce community needs assessment
- Existence of combination of services: generic, specialist, specialised units in police and prosecution
- Types of support provided: free psychological support – trauma informed, for all victims who need it, for as long as necessary + accompaniment throughout proceedings (include. Preparation for crim.) (Q3d)
- Mandatory opt out referral system / outcome focused obligation: “Victims who report a crime are contacted by a victim support organisation” + ensure funding for this to happen + training and protocols of police
- Channels of support: face to face, online, mobile services, chat, helpline, ...
- 116006 helpline: exist, run by VSOs, funding, standards
- One stop shop approach? (Q3e) – concerned about centralisation. Board preference for recognition of multi agency cooperation
- Funding for victim support services / safeguards (independent body for funding? Risk for CSOs?)
- (VSE) Quality standards carried out by independent authority
- Individual needs assessment for support carried out by support services
- More kind of specialist services not covered by VAW proposal?

### *Chapter 6 – Access to Justice*

#### Issues identified:

- Victims not accessing justice system / reporting crime
- Victims are not treated with respect and dignity during proceedings;
- Victims are subjected to instances of secondary victimisation and harm throughout the proceedings;
- Victims are not aware about their rights and their role in the criminal proceedings;
- Current provisions in VRD include exemptions, based on national procedural laws and role of victims as formal party to proceedings;
- Victims do not easily access and receive offender compensation.

### Objectives:

- Maximise victim's active and safe participation in criminal proceedings & increase the ability to enjoy their rights, while minimising harm and risks of secondary victimisation
- Better and easier system of offender compensation

### How to strengthen the VRD?

- Accompaniment: third-party support and assistance throughout all stages of proceedings (Q5a/b)
- Free legal representation, not just legal aid, for all victims of a crime? (go beyond Q5c)
- Victim's participation as formal party to proceedings possible in all cases? (Q5d)
- Legal remedies BUT linked to victims' rights in general, not only in criminal proceedings (go beyond Q5e)
- Reimbursement of expenses: strengthened and simplified (Q5f)
- Offender compensation: Decision in criminal proceedings; Simplified procedures under civil law; Enforcement by the State (Q5g)
- Increase the victim's right to be heard and provide evidence (Q6)
- Existence of restorative justice services in every member state, accessible to victims Q6)

## *Chapter 7 – Protection*

### Issues identified:

- Physical protection: lack of existing measures, lack of enforcement
- Protection measures: existence in all MSs, complex procedures, approval by judge or prosecutor required
- Individual needs assessment for protection not consistent
- Privacy: protection of victim's data
- Media intrusion, including via informal media channels, in high-profile cases
- Secondary victimisation: presence of offender considered intimidating by victims

### Objectives:

- Minimum standards on protection measures: fast, timely, available to victims at risk, simple procedures
- Harmonisation of protection orders
- Stronger measures for protection from secondary victimisation in main body text, including video equipment in all courts, mechanisms to diminish repeated interviews and medical examinations
- Increased tools and guidelines for INAs

### How to strengthen the VRD?

- Simplify procedures to obtain protection measures;
- Harmonisation of protection orders;
- Tools and guidelines for implementation INAs;
- Broader measures for physical protection of victims (see art. 21 VAW proposal) (Q7b)
- Privacy measures: separate victim's files; protection from media intrusions, including informal channels (Q7c)

- Include additional measures for victim's protection from secondary victimisation in provisions (no longer in the recitals only) (Q8);
- Data sharing (Q8).

## *Chapter 8 – Coordination and Cooperation*

### Issues identified:

- States do not have national strategies and policies on victims' rights
- No coordination at the local, regional or national level between authorities, victim support services and other actors in contact with victims
- Data protection rules may impede victims' access to victim support service or participation in criminal proceedings

### Objectives:

- Ensure better cooperation and coordination between different actors

### How to strengthen the VRD? (Q11 d&e)

- Introduce National, comprehensive and coordinated policies on victims' rights
- Official body responsible for coordinating, implementing, monitoring and evaluating policies
- Independent Victims' Rights Commissioner
- Multi agency coordination and cooperation (LEA, judiciary, prosecution, support services, NGOs, social services, education, social partners...), in particular for risk and support assessment, referral, protection and support
- Cooperation between authorities and victim support organisations
- Cooperation between services providers (generic and specialist), referral, joint activities
- EU level cooperation between MS + Cooperation with European networks: mention VSE?
- Data storage and transfer of victims' data

## *Chapter 9 – Training*

### Issues identified:

- not all professionals follow training on victims' issues
- Training is not consistent across sectors, regions, etc.
- Training does not cover important topics

### Objectives:

- Ensure that all professionals in contact with victims receive high quality training
- Training is developed and delivered in cooperation with civil society and victims's voices are heard

### How to strengthen the VRD? (Q9a, b, c):

- All professionals to receive training (not only encouraged)
- Content of the training should include at least signs of victimisation, impact of crime, soft skills and communication, risk assessment, ...
- Format of training should be diverse and engaging for participants
- Development and delivery of training in cooperation with CSOs and victims

## *Chapter 10 – Data collection & research*

### Issues identified:

- Member States do not collect enough data on victims' rights and the implementation of the Directive
- Innovative practices are still rare and sporadic implementation in Member States

### Objectives:

- Have all Member States to have systems in place for the collection, development, production and dissemination of disaggregated statistical data.

### How to strengthen Directive (Q11a):

- Ensure that Member States have systems in place to collect, develop and disseminate disaggregated data to assess the implementation of victims' rights at national level;
- Carry out research in relation to the rights and needs of victims of a crime at national level;
- Ensure that Member States should fund and carry out pilot and innovative practices to deliver high-quality services to victims in the context of criminal proceedings (such as FYDO, online court systems, etc.)

## *Chapter 11 – Final provisions*

### Issues identified:

- Member states still didn't fully and effectively implement and transposed the Directive
- Victims do not have access to any remedies if their rights recognised in European and national law are violated

### Objectives:

- Maximise the transposition and practical implementation of the Directive
- Ensure that victims can fully enjoy their rights

### How to strengthen the VRD?

- Introduce legal remedies for victims in case of violation of their rights (not only linked to criminal justice system)
- Encourage implementation activities